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15 **BEFORE THE**
16 **RESPIRATORY CARE BOARD**
17 **DEPARTMENT OF CONSUMER AFFAIRS**
18 **STATE OF CALIFORNIA**

19 In the Matter of the Accusation Against:

Case No. 1H 2007 479

20 CHARLES EDWARD PARTRIDGE
21 15023 Mystic Street
22 Whittier, California 90604

A C C U S A T I O N

23 Respiratory Care Practitioner License No. 4301

24 Respondent.

25 Complainant alleges:

26 PARTIES

27 1. Stephanie Nunez (Complainant) brings this Accusation solely in her
28 official capacity as the Executive Officer of the Respiratory Care Board of California Department
of Consumer Affairs (Board).

2. On or about June 14, 1985, the Board issued Respiratory Care Practitioner
License Number 4301 to Charles Edward Partridge (Respondent). This license was in full force
and effect at all times relevant to the charges brought herein and will expire on July 31, 2010,
unless renewed.

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1 conviction has been affirmed on appeal or when an order granting probation is made
2 suspending the imposition of sentence, irrespective of a subsequent order under Section
3 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to
4 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
5 accusation, information, or indictment.”

6 8. California Code of Regulations, Title 16, section 1399.370, states:

7 “For the purposes of denial, suspension, or revocation of a license, a crime or act
8 shall be considered to be substantially related to the qualifications, functions or duties of
9 a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to
10 perform the functions authorized by his or her license or in a manner inconsistent with the
11 public health, safety, or welfare. Such crimes or acts shall include but not be limited to
12 those involving the following:

13 “ . . .

14 “(b) Conviction of a crime involving fiscal dishonesty theft, or larceny.

15 “ . . . ”

16 COST RECOVERY

17 9. Section 3753.5, subdivision (a) of the Code states:

18 "In any order issued in resolution of a disciplinary proceeding before the board,
19 the board or the administrative law judge may direct any practitioner or applicant found to
20 have committed a violation or violations of law to pay to the board a sum not to exceed
21 the costs of the investigation and prosecution of the case."

22 10. Section 3753.7 of the Code states:

23 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall
24 include attorney general or other prosecuting attorney fees, expert witness fees, and other
25 administrative, filing, and service fees."

26 11. Section 3753.1, subdivision (a) of the Code states:

27 "An administrative disciplinary decision imposing terms of probation may
28 include, among other things, a requirement that the licensee-probationer pay the monetary

costs associated with monitoring the probation."

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

12. Respondent is subject to disciplinary action under sections 3750, subdivision (d), and 3752 of the Code, and California Code of Regulations, Title 16, section 1399.370, subdivision (b), in that he was convicted of a crime substantially related to the qualifications, functions or duties of a respiratory care practitioner. The circumstances are as follows:

June 6, 2008 Conviction

A. On or about February 28, 2007, an Irwindale Police Officer responded to a report regarding a restraining order violation. The victim, who was Respondent's ex-wife, informed the officer that Respondent failed to comply with the restraining order issued on November 3, 2005, by making about 19 telephone calls to her.

B. On or about May 21, 2007, in Los Angeles Superior Court Complaint No. 7JB04260, Respondent was charged with disobeying a domestic relations court order on or between February 5, 2007, and February 27, 2007, in violation of Penal Code section 273.6, subdivision (a), a misdemeanor (Count 1), disobeying a domestic relations court order on or about March 2, 2007, in violation of Penal Code section 273.6, subdivision (a), a misdemeanor (Count 2), and disobeying a domestic relations court order on or between April 16, 2007 and April 17, 2007, in violation of Penal Code section 273.6, subdivision (a), a misdemeanor (Count 3). On or about August 22, 2007, a First Amended Misdemeanor Complaint for Arrest Warrant was filed in Case No. 7JB04260 to correct Respondent's name.

C. On or about June 6, 2008, Respondent was convicted upon his plea of nolo contendere to disobeying a domestic relations court order on or between February 5, 2007, and February 27, 2007 (Count 1). He was placed on probation for three years on terms and conditions including: serve 2 days in county jail (with credit for 2 days), pay fines and assessments of \$520.00, contribute 30 days of community labor, complete a 52

1 week domestic violence program, not to own, use or possess any dangerous or deadly
2 weapon for 10 years after probation, and comply with restraining orders. Counts 2 and 3
3 of the complaint were dismissed.

4 D. On or about September 24, 2008, Respondent failed to appear in court
5 with proof of enrollment in the domestic violence class. The court ordered his probation
6 revoked and ordered a bench warrant issued for his arrest.

7 April 4, 2008 Conviction

8 E. The Whittier Police Department investigated the theft of a trailer from the
9 parking lot of a Whittier School District facility which occurred between August 4 and 6,
10 2007. On or about August 19, 2007, Respondent was arrested for theft of the trailer.

11 F. On or about September 28, 2007, in Los Angeles County Superior Court
12 Complaint No. 7WW05349, Respondent was charged with grand theft auto, in violation
13 of Penal Code section 487, subdivision (d)(1), a misdemeanor.

14 G. On or about April 4, 2008, Respondent was convicted upon his plea of
15 nolo contendere to grand theft auto. He was placed on probation for three years on a
16 number of terms and conditions, including: serve 30 days in county jail (with credit for 3
17 days), pay fines and fees in the amount of \$211.00, and obey all laws.

18 August 8, 2006 Conviction

19 H. On or about October 17, 2005, a Whittier Police Officer responded to a
20 report that Respondent made about ten telephone calls within five minutes to his wife,
21 with whom he was in the process of divorce proceedings, using obscene language and
22 making threats against her.

23 I. On or about November 3, 2005, a restraining order was issued against
24 Respondent pursuant to Family Code Section 6200, the Domestic Violence Prevention
25 Act.

26 J. On or about February 8, 2006, in Los Angeles County Superior Court
27 Complaint No. 6WW00658, Respondent was charged with making annoying telephone
28 calls, using obscene language and making threats, in violation of Penal Code section

1 653m, subdivision (a), a misdemeanor (Count 1).

2 K. On or about March 14, 2006, Respondent failed to appear in court for
3 arraignment and a bench warrant was issued for his arrest. Also on this date, a Whittier
4 Police officer was dispatched to the premises of a Junior High School softball game,
5 where Respondent was found to be in violation of a restraining order filed by his ex-wife.
6 The police officer also determined that Respondent had an outstanding bench warrant.
7 The officer arrested Respondent for contempt of court and advised him of the outstanding
8 arrest warrant.

9 L. On or about April 6, 2006, in Los Angeles County Superior Court
10 Complaint No. 6WW01288, Respondent was charged with contempt of court: disobeying
11 a court order, in violation of Penal Code section 166, subdivision (a)(4).

12 M. On or about August 8, 2006, the court ordered the complaint amended in
13 Case No. 6WW00658 to add the charges of contempt of court: disobeying a court order,
14 in violation of Penal Code section 166, subdivision (a)(4), a misdemeanor (Count 2), and
15 disturbing the peace, in violation of Penal Code section 415, an infraction (Count 3).
16 Respondent was convicted pursuant to his plea of nolo contendere to contempt of court:
17 disobeying a court order, and disturbing the peace (Counts 2 and 3). As Count 2, the
18 court consolidated Case No. 6WW01288 into Case No. 6WW00658. As to Count 2,
19 Respondent was placed on probation for one year on a number of terms and conditions,
20 including perform 144 hours of community service, pay fees and fines of \$240.00, not to
21 harass, molest or annoy the victim, and to obey all laws. As to Count 3, the court ordered
22 Respondent to pay a \$50.00 fine, which was suspended. Count 1 of the complaint was
23 dismissed.

24 N. Respondent failed to complete community service as ordered, and on April
25 4, 2008, the court found that Respondent was in violation of probation. His probation
26 was revoked and terminated. Respondent was ordered to serve 3 days in county jail (with
27 credit for 3 days).

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

4 1. Revoking or suspending Respiratory Care Practitioner License Number
5 4301 issued to Charles Edward Partridge;

6 2. Ordering Charles Edward Partridge to pay the Respiratory Care Board the
7 costs of the investigation and enforcement of this case, and if placed on probation, the costs of
8 probation monitoring; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: December 16, 2008

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13 Original signed by Liane Zimmerman for:
14 STEPHANIE NUNEZ
15 Executive Officer
16 Respiratory Care Board of California
17 Department of Consumer Affairs
18 State of California
19 Complainant
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